

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case #15-CR-6079-FPG

DECISION AND ORDER

RICO MCGEE,

Defendant.

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By Text Order dated May 25, 2015, this case was referred to United States Magistrate Judge Jonathan W. Feldman, pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B). ECF No. 2. Defendant Rico McGee is charged in Counts 1-4 of the Indictment with Hobbs Act conspiracy in violation of 18 U.S.C. § 1951(a), two counts of attempted Hobbs Act robbery in violation of 18 U.S.C. § 1951(a) and 2, and using a firearm in relation to a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A)(ii) and 2. ECF No. 87.

Defendant has moved to suppress statements, to dismiss the Indictment, to sever his trial from his co-defendant, and for disclosure of grand jury information. ECF Nos. 36, 59. After receiving briefing from the parties and holding an evidentiary hearing, Magistrate Judge Feldman issued his Report and Recommendation (ECF No. 81), which recommends the denial of Defendant's motions. No objections have been filed to the Report and Recommendation, and the time to do so has now expired.

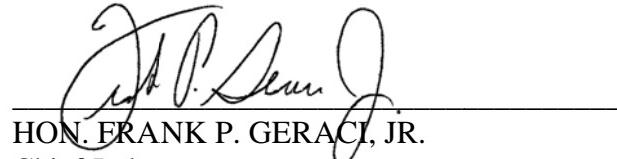
In reviewing a Report and Recommendation, this Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Since no objections were filed, this Court is not required to conduct a *de novo* review of Magistrate Judge Feldman's Report and Recommendation. *Thomas v. Arn*, 474 U.S.

140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997) (“We have adopted the rule that failure to object timely to a magistrate judge’s report may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.”). Magistrate Judge Feldman also reminded the parties of Fed. R. Crim. P. 59(b)(2), stating that “**Failure to file objections within the specified time or to request and extension of such time waives the right to appeal the District Court’s Order.**” ECF No. 87. (Emphasis in original).

Since no objections have been filed, this Court accepts and adopts the Report and Recommendation filed by United States Magistrate Judge Jonathan W. Feldman (ECF No. 87) in its entirety, and Defendant’s motions to suppress, to dismiss, to sever, and for grand jury disclosure (ECF Nos. 36, 59) are denied in all respects.

IT IS SO ORDERED.

DATED: July 6, 2017  
Rochester, New York




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HON. FRANK P. GERACI, JR.  
Chief Judge  
United States District Court